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as successor to CCI Insurance Company, as  
successor to Insurance Company of North America  
(successor in interest to Indemnity Insurance  
Company of North America)

GAF CORPORATION,

Plaintiff,

v.

HARTFORD ACCIDENT &  
INDEMNITY COMPANY, et al.,

Defendants.

CASE MANAGEMENT ORDER  
NUMBER 6

THIS MATTER coming on for a Case Management Conference on October 14,  
1999 before the Honorable Robert E. Guterl, in the presence of all counsel of record; and good  
cause appearing;

IT IS on this 29<sup>th</sup> day of November, 1999,

ORDERED that the parties shall comply with the following case management  
provisions:

REC'D AT CHAMBERS

NOV 29 AM 10:58

ROBERT E. GUTERL  
ASSIGNMENT JUDGE  
SUPERIOR COURT

RECEIVED/FILED  
NOV 29 1999  
SUPERIOR COURT  
SOMERSET COUNTY

## I. Depositions

A. Deposition scheduling. GAF Corporation ("GAF") and defendants shall meet and confer to prepare a deposition schedule consistent with Paragraph 1 of Case Management Order Number 5. GAF and defendants jointly shall submit to the Court this deposition schedule in a separate proposed Order under the five-day rule.

B. London Depositions. Any deposition of Messrs. Watson and Bowen will take place in London, England. As an alternative, GAF may take discovery of Messrs. Watson and Brown through written questions, by affidavit, or by telephone deposition. If GAF takes the depositions in England and discovers significant information from the witnesses that could not have been discovered by other means, GAF may make an application for the payment of its costs incurred in traveling to London for these depositions.

C.. Colesville Depositions. The parties shall attempt to resolve disputes arising during defendants' depositions of GAF's Colesville witnesses by contacting the Court by telephone. If, despite the Court's intervention by telephone during these depositions, the parties cannot resolve their disputes over the scope of defendants' depositions of GAF's Colesville witnesses, then these depositions may be conducted at the Somerset County Courthouse under the Court's supervision.

## II. Written Discovery

GAF shall respond to defendant's September 9, 1999 interrogatories and document requests by October 28, 1999.

**III. Document Production**

A. GAF shall produce documents responsive to defendants' September 9, 1999 interrogatories and document requests by October 28, 1999.

B. By October 28, 1999, GAF shall produce to defendants any cost information related to its Linden Site remediation and defense expenses not already produced to defendants.

**IV. Statement of Damages**

GAF need not direct a corporate representative to verify the truth and accuracy of the information contained in GAF's statement of damages.

**V. Costs Relating to Defendants' Production of FOIA Documents**

In order to recover the costs relating to defendants' supplemental production of FOIA documents, defendants shall produce to GAF an Affidavit, pursuant to Rule 4:42-9, which itemizes those costs.

**VI. Defendants' Answers to GAF's Second Amended Complaint**

Defendants shall not be required to serve responsive pleadings to GAF's Second Amended Complaint, and all allegations therein shall be deemed denied by defendants, and all of defendants' answers, affirmative defenses, and cross-claims shall be deemed to apply to GAF's Second Amended Complaint. Any defendant, however, may file a responsive pleading if it wishes to do so.

**VII. Motion to Compel**

GAF may move to compel the London Market defendants to produce "following market" insurer documents.

**VIII. Case Management Conference**

The Court shall hold a Case Management Conference on January 7, 2000 at 2:30 p.m. to determine the status of proceedings under this Order. Plaintiff, on the one hand, and defendants jointly, on the other hand, shall submit to the Court separate "status letters" at least three (3) days prior to the Conference.

**IX. Fact Discovery and Allocation Master**

Plaintiff's request for a cut-off for fact discovery is denied. Plaintiff's request for appointment of an allocation master at this time is denied.

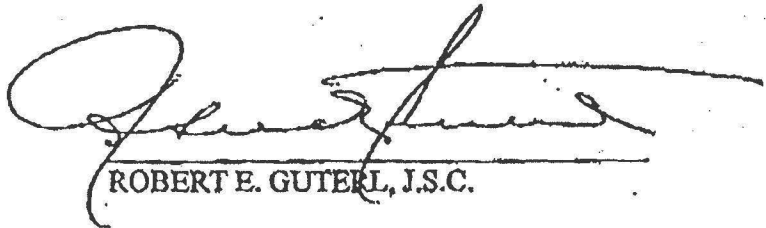
**X. Prior Case Management Orders**

Except as amended by this Order, all provisions of Case Management Orders Numbers 1 through 5 remain in effect.

**IT IS FURTHER ORDERED** that this Order may be amended or supplemented by:

(a) the Court, upon motion of any party; and (b) agreement of all parties, subject to Court approval.

**IT IS FURTHER ORDERED** that a copy of this Order shall be served on all counsel within seven (7) days of the date hereof.



ROBERT E. GUTIER, J.S.C.